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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/047,162	01/14/2002	Chiung-Hwa Liu	67,200-635	4351

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EXAMINER

CHEN, TE Y

ART UNIT PAPER NUMBER

2161

DATE MAILED: 01/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/047,162

Applicant(s)

LIU, CHIUNG-HWA

Examiner

Susan Y Chen

Art Unit

2161

– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 August 2004.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-14 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Response to Amendment

Claim Status

Claims 1-14 are pending for examination, claims 13-14 are newly added.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 3-7, 9-12 are rejected under 35 U.S.C. 102(e) as being anticipated by Robertson et al. (U.S. Patent No. 6,594,799).

As to claim 1, Robertson et al. (hereinafter referred as Robertson) discloses a micro-electronic fabrication system as claimed by applicant [e.g., Fig(s) 1-2], comprising:

A microelectronic fabrication facility information system comprising: a series of databases [e.g., 208, 209, 235, 238, 242, 246 and 250, Fig. 2] having contained therein production information for microelectronic fabrication product orders within a microelectronic fabrication facility [e.g., Abstract, lines 1-18, col. 8, lines 36-60]; and a microelectronic fabrication facility communication interface [e.g., the Internet (230, Fig. 2)] connected to the series of databases, where the microelectronic fabrication facility communication interface serves as an interface to a distributed communication network and functions in a fashion which allows a microelectronic fabrication customer also connected to the distributed communications network to access the information within the series of databases [e.g., col. 8, line 61 – col. 9, line 3].

As to claim 3, except all the features recited in claim 1, Robertson further discloses that the microelectronic fabrication facility communication interface is a computer server [e.g., 260, 232, Fig. 2 and associated texts].

As to claim 4, except all the features recited in claim 3, Robertson further discloses that the computer server has incorporated therein the series of databases [e.g., 235, 238, 242, 246 and 250, Fig. 2].

As to claims 5-6, except all the features recited in claim 1, Robertson further discloses that the distributed communications network is selected from the group consisting of local area networks, wide area networks, Internet networks and intranet

networks [Note: the cited limitations are read by the Internet communication (230, Fig. 2)].

As to claim 7, 9-12, these claims recited the same features as claims 1 and 3-6 in form of computer method, hence are rejected for the same reason.

As to claims 13-14, except all the features recited in claims 1 and 7, Robertson further discloses that the microelectronic fabrication information system allows a customer to access to the customer's product order information within the microelectronic fabrication facility [e.g., Abstract, lines 1-25; col. 29, claim 1].

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Robertson et al. (U.S. Patent No. 6,594,799).

As to claim 2, Robertson discloses all the features recited in claim 1, except he fails to teach that the system is incorporated into a microelectronic fabrication facility selected from the group consisting of integrated circuit microelectronic fabrication facilities, ceramic substrate microelectronic fabrication facilities, solar cell opto-electronic microelectronic fabrication facilities, sensor image array opto-electronic microelectronic facilities and display image array opto-electronic microelectronic fabrication facilities.

However, "Official Notice" is taken that both the concept and advantages of selecting a microelectronic fabrication facility from the group of integrated circuit, ceramic substrate, solar cell, sensor image and display image array microelectronic fabrication facilities is well known and expected in the semiconductor art. Therefore, it would have been obvious to one of ordinary skilled person in the art at the time the invention was made to select the microelectronic fabrication facility from the compound components as claimed, because all those components are the basic widget to construct a semiconductor part and by selecting those needed components would facilitate a semiconductor customizing processing.

As to claim 8, this claim recited the same limitations as claim 2 in form of method, hence is rejected for the same reason.

Response to Arguments

Applicant's arguments filed on 08/02/2004 have been fully considered but they are not persuasive.

The examiner disagrees with applicant's arguments that:

1) "applicant clearly discloses and claims a microelectronic fabrication facility information system operational after a customer order has been received and accepted for a particular microelectronic product...";

2) "At minimum, applicant asserts that databases for which a microelectronic product manufacturer would provide access to a potential customer in accord with Robertson (i.e., production capabilities databases) are not the same as databases for which a microelectronic product manufacturer would provide to an existing customer (i.e., actual production databases)."

In reply to the argument 1), it is noted that the features upon which applicant relies (i.e., a microelectronic fabrication facility information system operational after a customer order has been received and accepted for a particular microelectronic product) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

In reply to the argument 2), the examiner first points out that Applicant fails to defined the claimed databases structures or any novelty technique to load specific data into these databases, therefore, the claimed database are open for any reasonable art interpretation. Moreover, Applicant's assertion of Robertson's database (i.e., production capabilities databases) is incorrect. Robertson clearly discloses databases of his invention comprising electronic component databases of part (or dynamic parts) for Electronic Design Automation software application [e.g., col. 5, lines 5-10]. Furthermore, he discloses his invention including a portal site database to facilitate the search for a design automation tools and by trying to match up the end user with the most suitable design automation tool. [e.g., col. 6, lines 49 – 58; col. 7, lines 20-32] Thus, Robertson's heterogeneous databases read the claimed databases.

As to the rest of arguments, applicant rehash issues already addressed on record, as such, based on the discussion above, the examiner maintains the same type of rejections.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

Art Unit: 2161

mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susan Y Chen whose telephone number is 571-272-4016. The examiner can normally be reached on Monday - Friday from 7:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on 571-272-4023. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Susan Y Chen
Examiner
Art Unit 2161

January 3, 2005


SAFET METJAHIC
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

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